

REMARKS

Basis for the weight percent insertion in claim 3 may be found at page 19 line 31-page 20 line 1 and page 16 lines 6-12. The basis for the insertion at page 16 is original claim 3.

At page 2 of the Office Action, claim 3 is objected to because it is not clear how the glycol ether concentration is measured. It is respectfully requested that this objection be withdrawn as weight percent has been inserted in the claim.

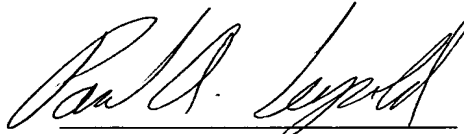
At page 3 of the Office Action, claims 1-20 stand rejected under 35 USC 102 or 35 USC 103 as being unpatentable over Yu et al. (943). The Examiner states that Yu teaches a colored pigment having the properties similar to those claimed. The Examiner points out that the particle size of Yu is at a distribution range of about 10 nm to about 300 nm, noting column 4 line 16-24. The Examiner points out that the composition of Yu may be used in an inkjet printer and that the ink composition of Yu et al. appears to have the same filterability of the claimed invention. The Examiner states that the composition as taught by Yu et al. appears to anticipate the claimed invention when filterability is measured by the same standards. The Examiner states the composition of Yu would apparently exhibit applicants claimed properties in the absence of evidence to the contrary. This rejection is respectfully traversed.

Yu discloses an inkjet ink somewhat similar to the applicant's, but not of the same properties. The Examiner's attention is directed to lines 37-39 of column 4 in Yu where it is stated that the dispersion completely filters through a 1 to 2 micron nylon absolute filter. Further attention is drawn to column 3 of Yu where it is indicated at (c) that the material has a 10 percent solids of colored pigment and passes through a three micron nylon absolute filter. In contrast, the material of the invention after four passes of the ink through a 1 micron filter still has 80 percent filterability. This is a much more rigorous test than that of Yu. The Examiner's attention is directed to examples CC 2 and CY 4 at pages 26 and 28 respectively of the instant application. The samples after having been filtered through a 1 micron filter failed to pass the four filtering tests as specified in the instant claim 1. The CC 2 and CY 4 examples are equivalent to the Yu material.

There is no teaching in the art to carry out the four filtering tests as is performed and claimed in the instant invention. The Yu material would fail the claim 1 test as it corresponds to the instant comparative examples and these examples provide evidence that Yu is not inherently the same as the instant inks or are the claimed inks obvious from any teachings of Yu. The inks of the invention that meet the measurements of claim 1 are unexpected in performance as shown by the examples. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

Therefore, it is respectfully requested that the objection and the rejections under 35 USC 102 and 35 USC 103 be reconsidered and withdrawn and that an early Notice Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul A. Leipold", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.